

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
Northern Division

UNITED STATES OF AMERICA,

Plaintiff,

- against -

Civil No. _____

\$5,220.00 in U.S. Currency,

Defendant.

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VERIFIED COMPLAINT FOR FORFEITURE

Plaintiff, United States of America, by its attorneys, Rod Rosenstein, United States Attorney for the District of Maryland, and Stefan D. Cassella, Assistant U.S. Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is a civil forfeiture action against U.S. currency involved in violations of the Controlled Substances Act that is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

THE DEFENDANTS IN REM

2. The defendant is \$5,220.00 in U.S. Currency.
3. The defendant property was seized from a Subaru Outback owned and operated by James A. Buck of 6911 Harford Road, Parkville, MD, 21234 on June 5, 2012, incident to the execution of a search warrant at that location.

JURISDICTION AND VENUE

4. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant

property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, over an action for forfeiture under 28 U.S.C. § 1355(a), and over this particular action under 21 U.S.C. § 881(a)(6).

- 5.. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. 1355(b).
6. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district and pursuant to 28 U.S.C. § 1395 because the property is located in this district.

BASIS FOR FORFEITURE

7. The defendant currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it was money furnished and intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act, constituted proceeds traceable to such an exchange, and was used and intended to be used to facilitate such violation.

FACTS

8. The forfeiture is based upon, but not limited to, the evidence outlined in the attached Declaration of DEA Task Force Officer Gregory Certeza which is incorporated herein by reference.

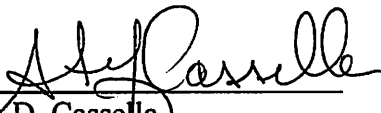
WHEREFORE, the plaintiff prays that all persons who reasonably appear to be potential claimants with interests in the defendant property be cited to appear herein and answer the complaint; that the defendant property be forfeited and condemned to the United States of America; that upon Final Decree of Forfeiture, the United States Marshal dispose of the defendant property according to law; and that the plaintiff have such other and further relief as this Court deems proper and just.

Dated: November 19, 2012

Respectfully submitted,

Rod J. Rosenstein
UNITED STATES ATTORNEY
District of Maryland

By:


Stefan D. Cassella
Assistant U.S. Attorney
36 South Charles Street
Fourth Floor
Baltimore, MD 21201
410 209-4986

DECLARATION

This affidavit is submitted in support of a complaint for forfeiture of \$5,220.00 U.S. Currency.

I, Gregory Certeza, a task force officer of the Drug Enforcement Administration, submit that there is sufficient facts to support a reasonable belief that the \$5,220.00 U.S. Currency constitutes (1) money, negotiable instruments, securities and other things of value furnished and intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; (2) proceeds traceable to such an exchange; and (3) money, negotiable instruments, and securities used and intended to be used to facilitate a violation of the Controlled Substances Act in violation of 21 U.S.C. § 841 and thus is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

a. On June 5, 2012, at approximately 7:00 AM, Sgt. Andy Johnson was working at the UPS package shipping and sort facility in Hanover, MD as part of his regular assignment. While at the location, Sgt. Johnson identified a parcel, that based on his training and experience in drug enforcement displayed the characteristics of a drug-laden parcel. The parcel was addressed as follows:

Sender:

McKinleyville Office Supply
(707)839-4317
1928 Central Avenue
McKinleyville CA 95519

Recipient:

James A. Buck
James A. Buck
6911 Harford Road
Parkville, MD 21234

b. After making several observations of the parcel, and conducting various checks, Sgt. Johnson summoned the assistance of a drug detection canine. Det. Norman Shifflett responded with his drug detection canine "Hunter". Det. Shifflett and "Hunter" scanned the parcel, and "Hunter" rendered a positive alert for the odor of controlled dangerous substances (CDS).

c. A state search and seizure warrant was obtained for the parcel, and the warrant was executed on June 5, 2012. Found inside the parcel was (1) heat-sealed bag containing a green plant material with an approximate weight of 1.587 grams. A majority of the marijuana was removed, and the parcel was repackaged in preparation for a controlled delivery.

d. On June 5, 2012, at approximately 12:00 PM, Det. Gus Passamichalis, posing as the regular UPS carrier, approached the 6911 Harford Road address, and was approached by a white male, later identified as James BUCK. BUCK indicated that he was waiting for the delivery of the parcel, and accepted same, signing with his name. Det. Passamichalis left the area and relayed this information to Det. Norm Shifflett, who then prepared a State of Maryland Search and Seizure Warrant for 6911 Harford Road, Baltimore City, MD 21234. The warrant was signed and promptly executed at approximately 12:15 P.M.

e. Once the dwelling was secured, an orderly search of the dwelling was conducted. The drug parcel was recovered, and BUCK, James was arrested for state felony drug violations.

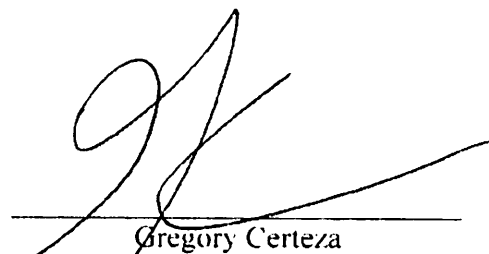
f. Approximately 1,587 grams of marijuana were seized at the scene of the arrest by Det Passamichalis and held in his custody.

g. The \$5,220.00 U.S. Currency was seized from BUCK'S vehicle, a Subaru Outback, bearing CA. tag 6EMK351. BUCK admitted to TFO G Certeza, that he utilized his Subaru Outback to deliver the marijuana to unnamed recipients. A digital scale, used to weigh marijuana for packaging and sale, and a marijuana grinding device, were seized from a duffel bag, underneath BUCK'S desk at the scene of the arrest by Det Passamichalis and held in Det Passamichalis custody. BUCK, James was charged with state felony drug violations at the Central Booking Facility.

h. A criminal history check of BUCK was run and the following criminal history resulted; in Indiana on May 25, 2006 possession of CDS and paraphernalia, in Pennsylvania on June 19, 2009 plead guilty to felony violation controlled substance act.

i. On October 10, 2012, 2012 a wage and earnings check was ran on James BUCK, no wages could be located for BUCK.


I DECLARE UNDER PENALTY OF PERJURY PURSUANT TO TITLE 28 U.S.C. 1746 THAT THE FACTS SUBMITTED BY THE MARYLAND STATE POLICE, IN REFERENCE TO THE SEIZURE OF \$5,220 U.S. CURRENCY FROM JAMES BUCK ARE ACCURATE, TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.



Gregory Certeza
Task Force Officer
Drug Enforcement Administration

VERIFICATION

I, Stefan D. Cassella, declare under penalty of perjury as provided by 28 U.S.C. § 1746, that the foregoing Complaint for Forfeiture *in rem* is based on reports and information furnished to me by a DEA Task Force Officer, and that everything contained therein is true and correct to the best of my knowledge and belief.



Stefan D. Cassella
Assistant U.S. Attorney

DATE: November 20, 2012

TO: Kristine Cupp
USMS

FROM: Naquita Ervin
Paralegal Specialist

RE: **U.S. v. \$5,220 in U.S. CURRENCY**
Civil Action No.

CATS ID: 12-DEA-566542/ GC-12-0148

The United States has filed a forfeiture action against **\$5,220 in U.S. CURRENCY**. A copy of the Complaint for Forfeiture is attached.

Notice of this seizure will be published at www.forfeiture.gov pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims.

Thank you.

Attachment

U.S. Department of Justice
United States Marshals Service

Case 12-cv-03417-GLR Document 1 Filed 02/22/12

PROCESS RECEIPT AND RETURN

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER
DEFENDANT \$5,220 U.S. Currency	TYPE OF PROCESS Verified Complaint in Rem

SERVE
↓
AT

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
GC-12-0148/ 12-DEA-566542

ADDRESS (Street or RFD, Apartment No., City, State, and ZIP Code)

SEND NOTICE OF SERVICE TO REQUESTER AT NAME AND ADDRESS BELOW:

Naquita C. Ervin, Paralegal Specialist
U.S. Attorney's Office
36 S. Charles Street, 4th floor
Baltimore, Maryland 21201

Number of process to be served
with this Form - 285

Number of parties to be served
in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, All Telephone Numbers, and Estimated Times Available For Service)

Arrest property. Fill in the date of arrest in this process receipt and return our copy.

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER
410-209-4800

DATE
11/20/12

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total
number of process indicated.
(Sign only first USM 285 if more than
one USM 285 is submitted)

Total Process
No. _____

District of Origin
No. _____

District to Serve
No. _____

Signature of Authorized USMS Deputy or Clerk

Date

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc. at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below).

Name and title of individual served (If not shown above).

☐ A person of suitable age and discretion then residing
in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service

Time _____ am
_____ pm

Signature of U.S. Marshal or Deputy

Service Fee

Total Mileage Charges
(including endeavors)

Forwarding Fee

Total Charges

Advance Deposits

Amount Owed to US Marshal or

Amount or Refund

REMARKS: